

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-6789

ROBERT CAMPBELL,

Plaintiff - Appellant,

v.

JEAN SMITH; SHAMYRA MCREA; JOHN BRITT; NEIL MCCLENDON,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Rock Hill. Richard M. Gergel, District Judge. (0:08-cv-03668-RMG)

Submitted: September 6, 2011 Decided: September 28, 2011

Before MOTZ, KING, and DAVIS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Robert Campbell, Appellant Pro Se. Christopher R. Antley, DEVLIN & PARKINSON, PA, Greenville, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Robert Campbell appeals the district court's entry of judgment for Defendants in accordance with the jury's verdict. Campbell brought suit alleging claims under 42 U.S.C. § 1983 (2006) and South Carolina law. On appeal, Campbell claims that the judgment should be reversed because he was not allowed to present certain evidence at trial, the district court committed error with respect to certain video evidence, and the court erred in failing to admit into evidence the prison incident reports authored by Defendants McRea, Britt, and Smith. In his informal appellate brief, however, Campbell fails to explain why his inability to present certain evidence and the court's error with respect to the video evidence warrant reversal of the judgment. Campbell also fails to explain how the district court erred in failing to admit into evidence the incident reports authored by McRea and Britt. Accordingly, we deem these issues abandoned. See 4th Cir. R. 34(b); Wahi v. Charleston Area Med. Ctr., Inc., 562 F.3d 599, 607 (4th Cir. 2009).

Further, an appellant has the burden of including in the record on appeal a transcript of all parts of the proceeding material to the issues raised on appeal. Fed. R. App. P. 10(b); 4th Cir. R. 10(b). Campbell has not provided a transcript of the trial and fails to establish a basis to have the transcript prepared at government expense. See 28 U.S.C. § 753(f) (2006).

By failing to produce a transcript or to qualify for the production of a transcript at government expense, Campbell has waived review of the issue on appeal that depends on the transcript to show error. Powell v. Estelle, 959 F.2d 22, 26 (5th Cir. 1992) (per curiam); Keller v. Prince George's Cnty., 827 F.2d 952, 954 n.1 (4th Cir. 1987). As no error appears on the record before us, we affirm the district court's judgment. We deny Campbell's motion to appoint counsel and dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED